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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**



SUBDIVISION REVIEW BOARD

*Promoting the wise use of land
Helping build great communities*

MEETING DATE May 1, 2006	CONTACT/PHONE Mike Wulkan, project manager 805-781-5608	APPLICANT Susan Gerdson	FILE NO. SUB 2004-00356 COAL 05-0120
SUBJECT Request by Susan Gerdson for a Lot Line Adjustment/Coastal Development Permit to adjust the lot lines between four parcels of 2,200, 2,600, 2,393, and 2,946 square feet each. The adjustment will result in four parcels of 2,387, 2,431, 2393, and 2,946 square feet each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Single Family land use category and is located at 3256, 3250 and 3238 Shearer Avenues, and 3247 Ocean Blvd. in the community of Cayucos. The site is in the Estero Planning Area.			
RECOMMENDED ACTION Approve Lot Line Adjustment/Coastal Development Permit COAL 05-0120 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A "general rule" exemption [pursuant to CEQA Guidelines Section 15061(b)(3)] was issued on March 20, 2006 (E.D.#05-381).			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Program	ASSESSOR PARCEL NUMBER 064-426-022, 049, 047, 053	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Cayucos Communitywide #2: Setbacks - Communitywide			
LAND USE ORDINANCE STANDARDS: Section 23.04.048: Lot Consolidation			
EXISTING USES: One single-family dwelling on each of three lots, one vacant lot			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family (RSF)/single-family <i>East:</i> RSF/single-family <i>South:</i> RSF/single family <i>West:</i> RSF, Residential Multi-Family/single, multi-family			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Citizens Advisory Council, Public Works, Environmental Health, Paso Robles Beach Water Association, Cayucos Sanitary District, Cayucos Fire Protection District, and the California Coastal Commission.	
TOPOGRAPHY: Gently to steeply sloping	VEGETATION: Grasses, shrubs, ornamental landscaping
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community system Fire Protection: Cayucos Fire Protection District	ACCEPTANCE DATE: February 28, 2006

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between four parcels as follows:

EXISTING LOT NOS.	EXISTING LOT SIZES (SQ. FT.)	ADJUSTED PARCEL NOS.	ADJUSTED PARCEL SIZES (SQ. FT.)
22	2,600	"A"	2,431
23	2,220 ¹	"B"	2,387
24	2,393 ²	"C"	2,393
35	2,946 ³	"D"	2,946

- 1 existing lot size excludes a 115 square-foot strip of land along the westerly property line that was deeded to Lot 35 in July 1961 without benefit of a Lot Line Adjustment that would have been required at that time (being legalized with this Lot Line Adjustment)
- 2 existing lot size excludes a 29 square-foot strip of land along the westerly property line that was deeded to Lot 35 in April 1973 without benefit of a Lot Line Adjustment that would have been required at that time (being legalized with this Lot Line Adjustment)
- 3 existing lot size includes 115 and 29 square-foot strips of land along the easterly property line that were deeded to Lot 35 in July 1961 and April 1973, respectively, without benefit of Lot Line Adjustments that would then have been required (being legalized with this Lot Line Adjustment)

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

This adjustment moves the property line between Lots 22 and 23 by up to 3.5 feet. The result is that Lot 23 will be slightly increased in size, eliminating an encroachment of an existing upper story deck onto Lot 22, and providing the required side setback for that deck. In addition, the sizes of the proposed parcels will be more equal in size than the existing lots. This adjustment also includes adjacent Lots 24 and 35 in order to reflect and legalize prior conveyances of the westerly portions of original Lots 23 and 24 to Lot 35 that occurred without benefit of Lot Line Adjustments (see Footnotes 1-3 above). Doing so will not result in changes in ownership. As a result, the proposed adjustment betters or equals the existing situation with respect to the Coastal Zone Land Use Ordinance and the Building and Construction Ordinance.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable local coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. The parcel sizes of four existing parcels are below the minimum parcel size for creating new parcels as set through the General Plan and Coastal Zone Land Use Ordinance, and will remain so after the adjustment. The existing parcels are considered separate building sites in accordance with Coastal Zone Land Use Ordinance Section 23.04.048 (Lot Consolidation), and both the existing and adjusted parcels will exceed the 1,750 square-foot minimum site area needed to obtain a building permit for single-family residences per Coastal Zone Land Use Ordinance Section 23.04.044. For those reasons, staff concludes that the adjustment is consistent with both state and local law.

COASTAL PLAN POLICIES: None of the policies are applicable to this application.

Shoreline Access: ☒ N/A

Recreation and Visitor Serving: ☒ N/A

Energy and Industrial Development: ☒ N/A

Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A

Environmentally Sensitive Habitats: N/A

Agriculture: ☒ N/A

Public Works: ☒ N/A

Coastal Watersheds: ☒ N/A

Visual and Scenic Resources: ☒ N/A

Hazards: ☒ N/A

Archaeology: N/A

Air Quality: ☒ N/A

COMMUNITY ADVISORY GROUP COMMENTS:

The Land Use Committee of the Cayucos Citizens Advisory Council commented (see attached e-mail from Mary Ann Carnegie dated August 24, 2005) that the Lot Line Adjustment should bring the lots into compliance with requirements, make one of the lots more buildable, and be consistent with lot consolidation provisions. The Land Use Committee would support the Lot Line Adjustment if it improves the existing situation. The Committee's concerns are satisfied, because the existing lots are not subject to lot consolidation, and because this Lot Line Adjustment corrects an existing encroachment and illegal property conveyances.

LEGAL LOT STATUS:

Existing Lot 22 was legally created by a recorded map at a time when that was a legal method of creating lots. Existing Lots 23, 24 and 35 were legally created by a recorded map at a time when that was a legal method of creating lots, but portions of Lots 23 and 24 were conveyed to Lot 35 without benefit of Lot Line Adjustments at times when that would have been required. Those conveyances are being legalized with this Lot Line Adjustment. Lots 22 and existing Parcel "B" are considered as separate building sites in accordance with Coastal Zone Land Use Ordinance Section 23.04.048 (Lot Consolidation), because although both lots do not meet the minimum 40-foot width and 3,500 square-foot area standards, and both lots appear to have been under substantially the same ownership since 1968, the existing house on Parcel "B" was built prior to 1968 (making the site vacant) and the existing upper story deck encroachment onto Lot 22 is minor and does not constitute development on Lot 22 and Parcel "B" as a single site.

FINDINGS - EXHIBIT A

Lot Line Adjustment

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because it 1) better or equals the existing situation with respect to the Coastal Zone Land Use Ordinance and Building and Construction Ordinance by eliminating the encroachment of an existing upper story deck onto Lot 22 and providing the required side setback for that deck, more nearly equalizing the sizes of Lot 22 and Parcels "B," and reflecting and legalizing prior conveyances of the westerly portions of original Lots 23 and 24 to Lot 35 that occurred without benefit of Lot Line Adjustments 2) is consistent with all applicable policies and standards of the General Plan and the Local Coastal Program
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.

Coastal Access

- D. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not located adjacent to the coast and will not inhibit access to the coastal waters and recreation areas.

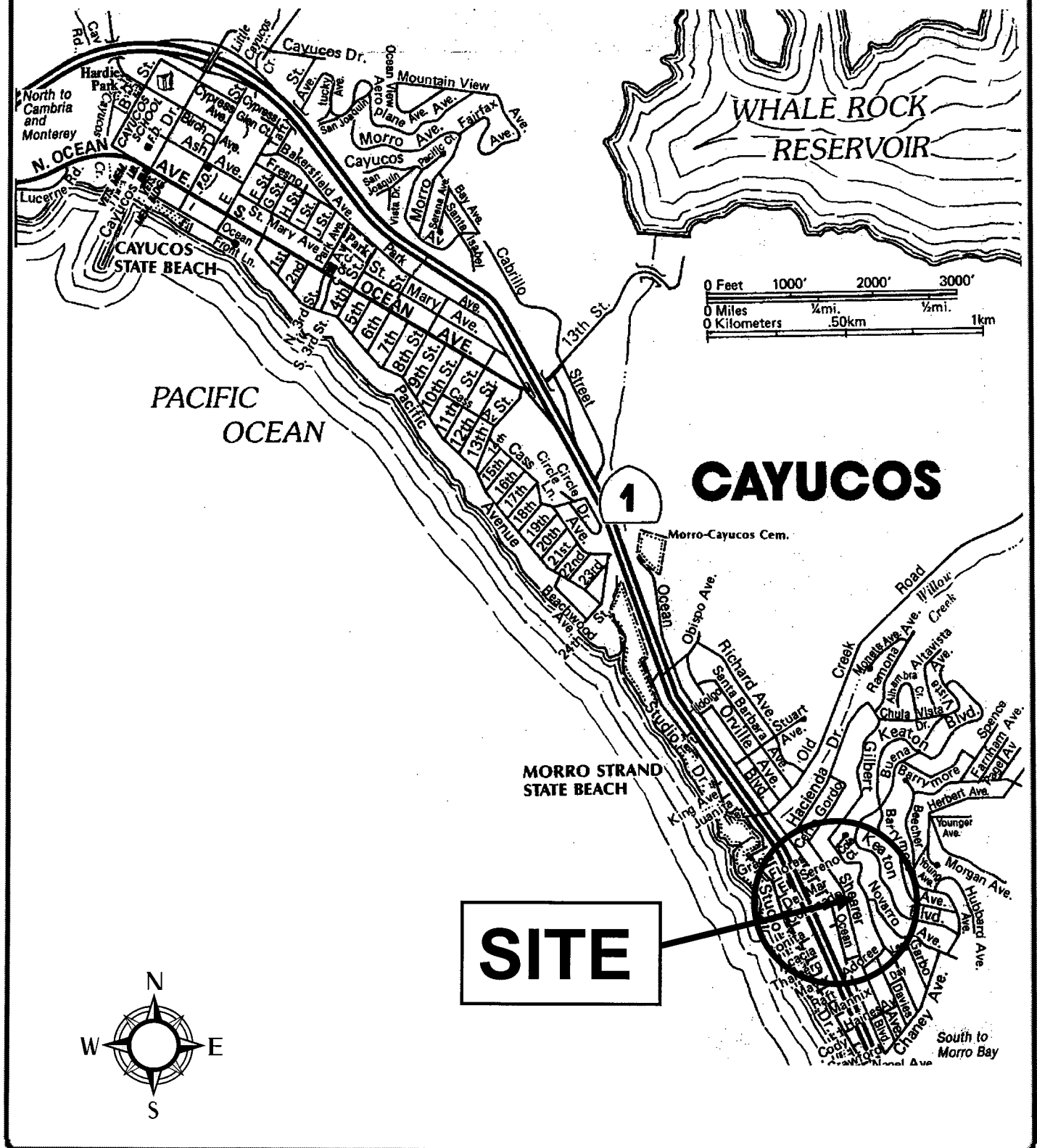
CEQA Exemption

- E. The project qualifies for a "general rule" exemption pursuant to CEQA Guidelines Section 15061(b)(3) because the project is a minor lot line adjustment that will not result in any additional parcels, development or change in land use, and because it can be seen with certainty that there is no possibility that this project may have a significant effect on the environment.

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CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
 - c. On an additional map sheet, areas subject to inundation by the 100-year frequency flood or within the coastal high hazard area.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there are multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one-year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action



PROJECT

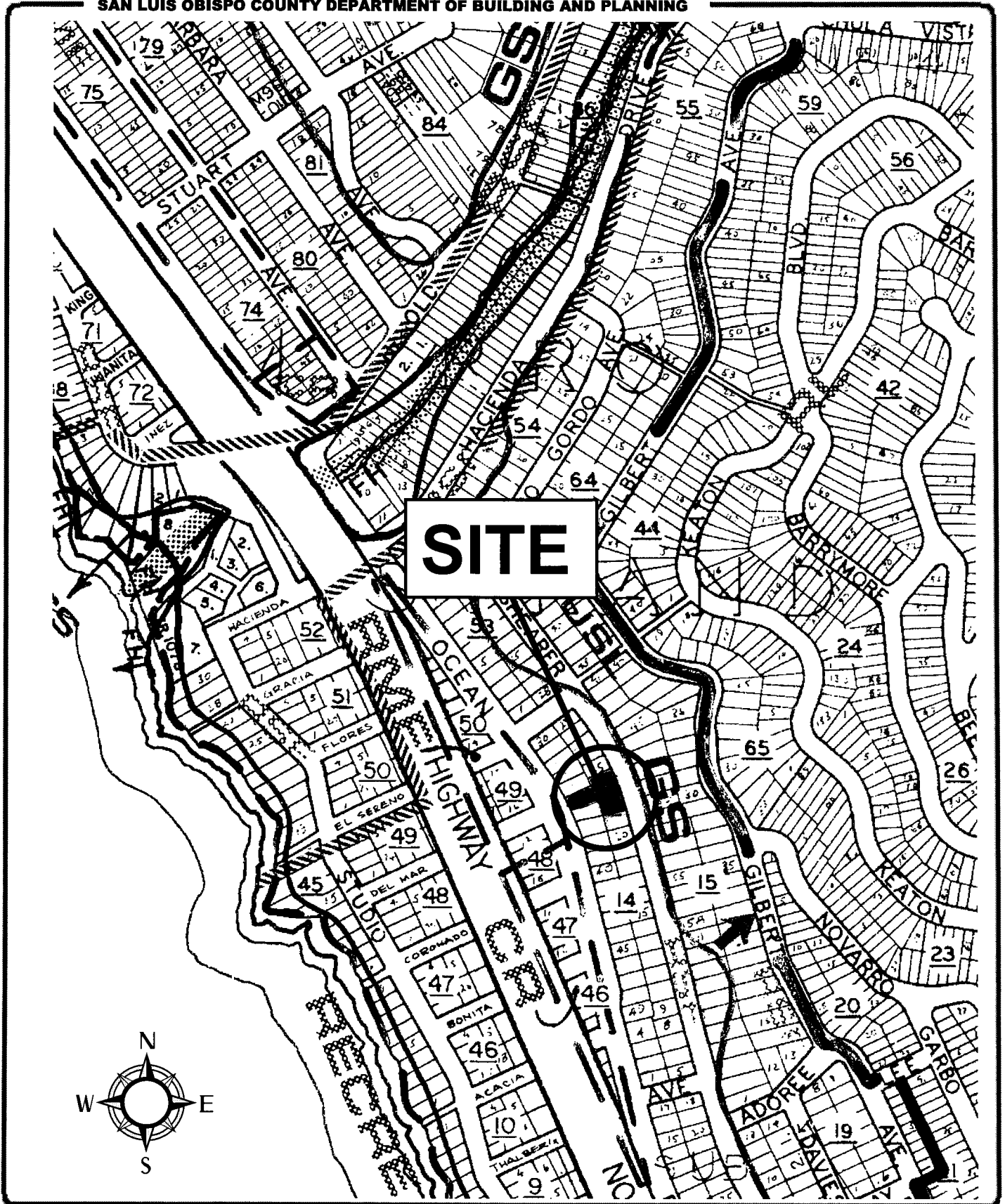
Lot Line Adjustment
Gerdson SUB2004-00356



EXHIBIT

Vicinity

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



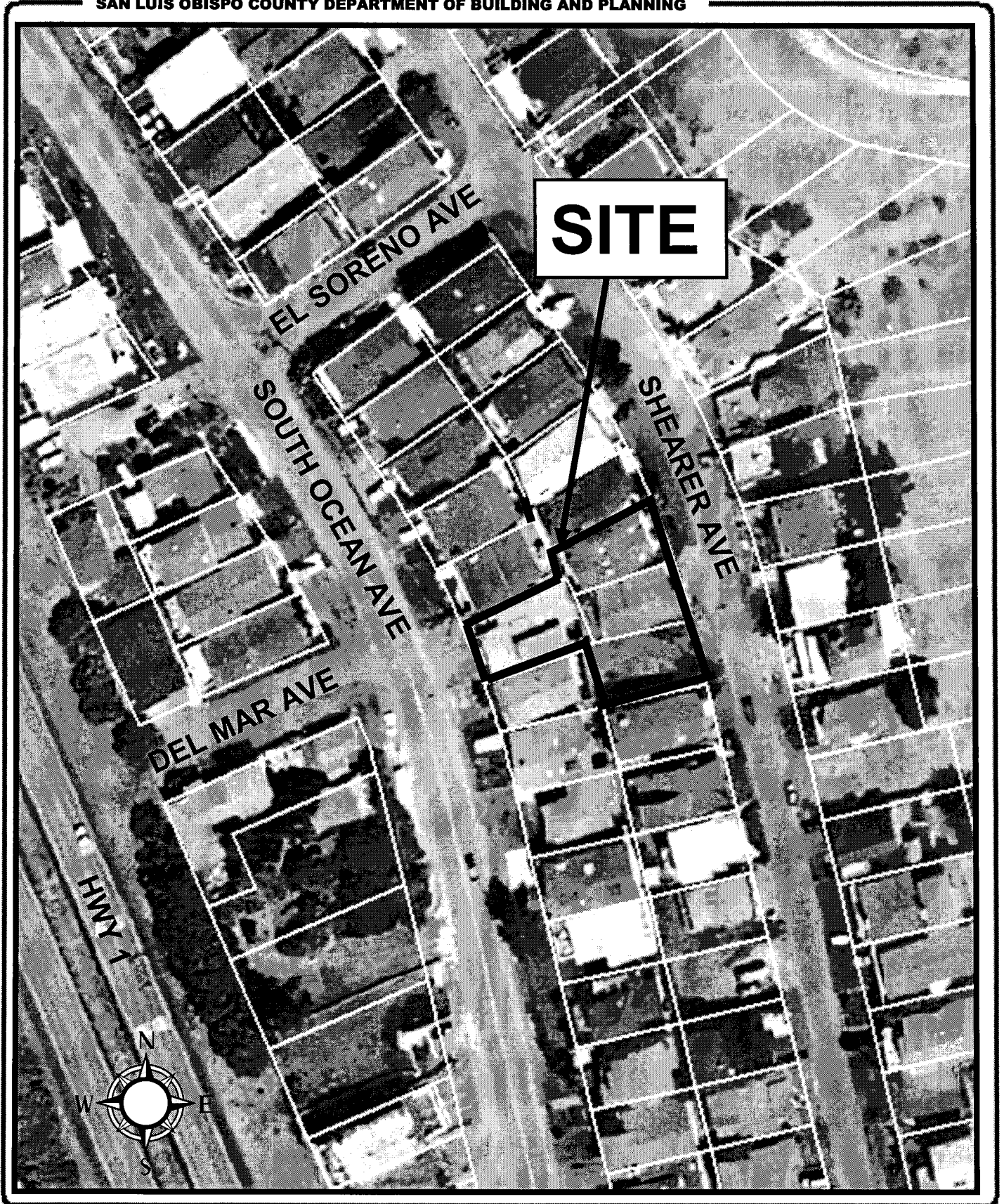
PROJECT

Lot Line Adjustment
Gerdson SUB2004-00356



EXHIBIT

Land Use Category



PROJECT

Lot Line Adjustment
Gerdson SUB2004-00356

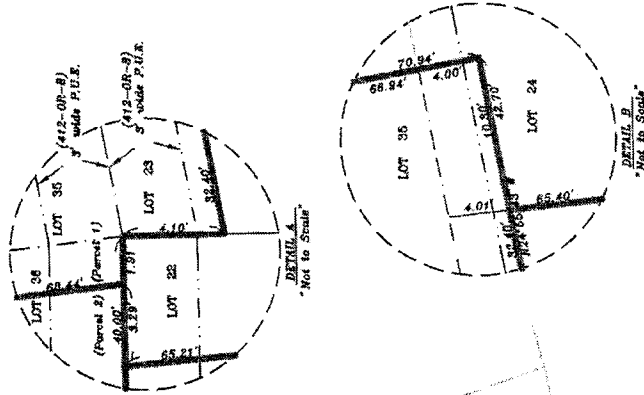


EXHIBIT

Aerial

BEING AN ABSTRACT OF THE LAND INTEREST
 LOTS 22, 23, 24, 35, & 36 OF BLOCK 14
 MORRO STRAND UNIT #3, per 3 MB 112
 TOWN OF CAYCE
 SAN LUIS OBISPO COUNTY, STATE OF CALIFORNIA

ISSUED AS AN ADVISORY OF THE LINC NETWORK
 LOTS 22, 23, 24, 35, &
 MORRO STRAND UNIT #3,
 TOWN OF CARSON
 SAN LEO BARO COUNTY, STATE OF CALIFORNIA
 A.P.N. - 044-028-002
 044-028-007
 044-028-049
 044-128-003



Lot Line Adjustment



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Mike Wulkan

08/26/2005 03:25 PM

To: Edgar Carnegie <ecarnegi@calpoly.edu>
cc: <mwulkan@co.slo.ca.us>, Kerry Brown <kbrown@co.slo.ca.us>
Subject: Re: LLA Gerdson SUB2004-00356

Mary Ann,

Thanks for the comments--they are not too late. Based on a chain of title, building records and other information, we determined that the existing lots are not subject to lot consolidation. However, we did discover an illegal lot line adjustment dating back to 1961 that involves one of the parcels. We have recommended to the applicant that the violation could be corrected by revising the lot line adjustment application to include an adjacent parcel. Once that is done, the proposal should be "equal to or better than.." the existing situation with regard to building and zoning ordinances.

Mike Wulkan
Senior Planner
San Luis Obispo County Department of Planning and Building
Edgar Carnegie <ecarnegi@calpoly.edu>



Edgar Carnegie
<ecarnegi@calpoly.edu>
>

To: <mwulkan@co.slo.ca.us>
cc: Kerry Brown <kbrown@co.slo.ca.us>
Subject: LLA Gerdson SUB2004-00356

08/24/2005 11:29 PM

Mike:

First I don't know what happened to this referral to see a date of 5/19 for date referred and to just show up now. Anyway I hope it is not too late for input. The Land Use Committee reviewed the referral at last Monday's meeting, Aug. 22.

The concern was to make sure that the lot line adjustment would bring all within compliance, that it would make the one a more buildable lot, and that none would be a part of lot consolidation.

Upon looking into the website from the planning and bldg. Dept that shows the history of the lots showing flags of previous violations, and that the lot is marked as being undetermined and requires the owner to investigate in coordination with the Planning Dept. to determine if it is a legal lot.

The history of the lots would probably better define what exactly has taken place in the past but if the lla makes the situation better for all in the future it was supported by all on the committee.

Thanks

Mary Ann
995-3659



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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

MAY - 5 2005

THIS IS A NEW PROJECT REFERRAL

DATE:

5/5/05

FROM

PW

FROM
TO

Coastal Team

(Please direct response to the above)

Gerdsen / COAL 05-0120
SUB 2004-00356

Project Name and Number

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNING)

PROJECT DESCRIPTION:

LLA between (2) 2300 sf lots. Located
off Shearer Ave., Cayucos. APN: 064-426-022 & 049
Coastal zone.

Return this letter with your comments attached no later than:

5/20/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

RECOMMEND APPROVAL - NO CONCERNS

28 MAY 2005
Date

Goodwin
Name

5252
Phone



mm

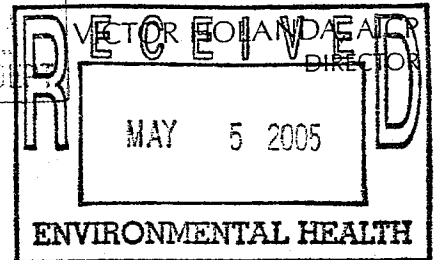
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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

MAY 10 2005

S.L.O. CO. PLANNING DEPT.



THIS IS A NEW PROJECT REFERRAL

DATE: 5/5/05
TO: Env. Health
FROM: Coastal Team
(Please direct response to the above)

Gerdson / COAL 05-0120
SUB 2004-00356
Project Name and Number

Development Review Section (Phone: 788-2009)

*OR ASK THE SWITCH-
BOARD FOR THE PLANNER

PROJECT DESCRIPTION: LLA between (2) 2300 sf lots. Located
off Shearer Ave., Cayucos. APN: 064-426-022 & 049
Coastal zone.

Return this letter with your comments attached no later than:

5/20/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

 YES
 NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

 NO (Please go on to Part III)
 YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

The parcel that has the existing residence is getting larger
therefore, we have no concerns at this time.

5/10/05
Date

Lauri Salo
Name

781-5551
Phone



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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

MAY 10 2005

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

5/5/05

TO:

P.R. Beach H2O Assn.

FROM:

Coastal Team

(Please direct response to the above)

Gerdsen / COAL 05-0120

SUB 2004-00356

Project Name and Number

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-
BOARD FOR THE PLANNERS

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Coastal zone.

Return this letter with your comments attached no later than:

5/20/05

PART I

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☒ YES
☐ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

No issues for CSA 10A.

Date

5/12/05

Name

Doug B.

Phone

781-5112



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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 5/5/05
TO: Cayucos FPD
FROM: Coastal Team
(Please direct response to the above)

Gerdson / COAL 05-0120
SUB 2004 - 00356
Project Name and Number

Development Review Section (Phone: 788-2009) *OR ASK THE SWITCH-BOARD FOR THE PLANNERS

PROJECT DESCRIPTION: LLA between (2) 2300 sf lots. Located
off Shearer Ave., Cayucos. APN: 064-426-022 & 049
Coastal zone.

Return this letter with your comments attached no later than: 5/20/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

X YES
____ NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

X NO (Please go on to Part III)
____ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

No comment.

5-15-05
Date

Bud Davis
Name

995-3372
Phone

FAKED
MAY 15 2005